



M. Dawes Cooke, Jr., Esquire  
John W. Fletcher, Esquire

September 21, 2017

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

RE: Shon Turner, as Personal Representative of the Estate of Charles Mikell, deceased,  
vs. Medical University of South Carolina  
Appellate No. 2016-001986  
BWPH File No.: 1.554

Dear Ms. Kitchings,

On September 14, 2017, counsel for Appellant wrote to the Court, pursuant to SCACR, Rule 208(7), to discuss the Court of Appeals' recent decision in *McKaughan v. Upstate Lung and Critical Care Specialists, PC*, Op. No. 5515 (Ct. App. Sept. 14, 2017). Please consider this Respondent's response to that letter.

Initially, Respondent respectfully submits that Appellant exceeds Rule 208(7)'s limitation that such a supplement be "without argument, stat[ing] the reasons for the supplemental citations." Nonetheless, Respondent will limit its response as required by the Rule.

Respondent believes that there is no proper reason for the supplemental citation to *McKaughan*. In *McKaughan*, the causation question related to the disease process: *i.e.*, whether cancer in the left lung was a new cancer or metastasis of the original cancer in the right lung. The issue in this appeal does not relate to the method or mechanics of harm. Instead, the issue in this appeal is whether Appellant failed to proffer sufficient evidence that Respondent's alleged negligence proximately caused injury in the first instance.

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If it is relevant to this appeal, *McKaughan* would relate to Respondent's argument in Section I.C of its Final Brief that "Even If Plaintiff Could Present Evidence That Dr. Nelson Breached a Duty of Care, There is No Competent Evidence That Such Negligence Was a Proximate Cause of Plaintiff's Alleged Injuries."

Sincerely,

A handwritten signature in black ink, appearing to be "M. Dawes Cooke, Jr.", written over a horizontal line.

M. Dawes Cooke, Jr.  
John W. Fletcher

MDCjr/JWF/jgc

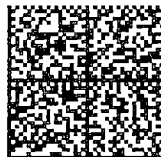
cc: Robert B. Ransom, Esquire  
Alex Apostolou, Esquire

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